

Rev. 4/18

UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT  
**CIVIL APPEAL STATEMENT**

Please TYPE. Attach additional pages if necessary.

11th Circuit Docket Number: 24-12826

Caption:  <b>State of Florida v. Department of Health and Human Services</b>	District and Division: <u>MIDDLE DISTRICT OF FLORIDA</u> Name of Judge: <u>TAMPA DIVISION</u> Nature of Suit: <u>Administrative Procedure Act Challenge</u> <hr/> Date Complaint Filed: <u>5/6/24</u> District Court Docket Number: <u>8:24-cv-01080</u> <hr/> Date Notice of Appeal Filed: <u>8/30/24</u> <input checked="" type="checkbox"/> Cross Appeal <input type="checkbox"/> Class Action <hr/> Has this matter previously been before this court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide (a) Caption: _____ (b) Citation: _____ (c) Docket Number: _____
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	Attorney Name	Mailing Address	Telephone, Fax, Email
For Appellant: <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant <input type="checkbox"/> Other (Specify)	<b>Ashley C. Honold, Charles W. Scarborough</b>	<b>950 Pennsylvania Avenue NW Washington, D.C. 20530</b>	<b>Phone: (202) 353-9018 Fax: (202) 616-8470 ashley.c.honold@usdo j.gov</b>
For Appellee: <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (Specify)	<b>Henry Charles Whitaker, James Conde, Julie Marie Blake, et al.</b>	<b>PI-01 The Capitol 107 W Gaines St Tallahassee, FL 32399-1050</b>	<b>850-414-3300</b>

Please CIRCLE/CHECK/COMPLETE the items below and on page 2 that apply.

Jurisdiction	Nature of Judgment	Type of Order	Relief
<input checked="" type="checkbox"/> Federal Question <input type="checkbox"/> Diversity <input type="checkbox"/> US Plaintiff <input checked="" type="checkbox"/> US Defendant	<input type="checkbox"/> Final Judgment, 28 USC 1291 <input checked="" type="checkbox"/> Interlocutory Order, 28 USC 1292(a)(1) <input type="checkbox"/> Interlocutory Order Certified, 28 USC 1292(b) <input type="checkbox"/> Interlocutory Order, Qualified Immunity <input type="checkbox"/> Final Agency Action (Review) <input type="checkbox"/> 54(b)	<input type="checkbox"/> Dismissal/Jurisdiction <input type="checkbox"/> Default Judgment <input type="checkbox"/> Summary Judgment <input type="checkbox"/> Judgment/Bench Trial <input type="checkbox"/> Judgment/Jury Verdict <input type="checkbox"/> Judgment/Directed Verdict/NOV <input checked="" type="checkbox"/> Injunction <input checked="" type="checkbox"/> Other <u>partial stay under 5 U.S.C. § 705</u>	Amount Sought by Plaintiff: \$ _____  Amount Sought by Defendant: \$ _____  Awarded: \$ _____ to _____  Injunctions: <input type="checkbox"/> TRO <input checked="" type="checkbox"/> Preliminary <input checked="" type="checkbox"/> Granted <input type="checkbox"/> Permanent <input type="checkbox"/> Denied

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Based on your present knowledge:

- (1) Does this appeal involve a question of First Impression? ☒ Yes ☐ No  
What is the issue you claim is one of First Impression? Whether the rationale in Bostock v. Clayton County, 140 S. Ct. 1731 (2020) applies to Title IX and Section 1557 of the ACA
- (2) Will the determination of this appeal turn on the interpretation or application of a particular case or statute? ☒ Yes ☐ No  
If Yes, provide  
(a) Case Name/Statute Bostock v. Clayton County; Section 1557 of the Affordable Care Act  
(b) Citation 140 S. Ct. 1731 (2020) ; 42 U.S.C. § 18116(a)  
(c) Docket Number if unreported \_\_\_\_\_
- (3) Is there any case now pending or about to be brought before this court or any other court or administrative agency that  
(a) Arises from substantially the same case or controversy as this appeal? ☒ Yes ☐ No  
(b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal? ☒ Yes ☐ No  
If Yes, provide  
(a) Case Name State of Texas v. Becerra; State of Tennessee v. Becerra; Catholic Benefits Association v. Becerra; McComb Children's Clinic, LTD. v. Becerra  
(b) Citation 2024 WL 3297147; 2024 WL 3283887  
(c) Docket Number if unreported 24-40568; 24-60462; 3:23-cv-00203-PDW-ARS; 5:24-cv-00048-KS-LGI  
(d) Court or Agency (5th Cir.); (5th Cir.); (D.N.D.); (S.D. Miss.)
- (4) Will this appeal involve a conflict of law  
(a) Within the Eleventh Circuit? ☐ Yes ☒ No  
(b) Among circuits? ☐ Yes ☒ No

If Yes, explain briefly:

- (5) Issues proposed to be raised on appeal, including jurisdictional challenges:

whether the district court erred in (1) entering a preliminary injunction and staying the effective date of certain provisions of HHS's final rule based on its conclusion that the rationale of Bostock v. Clayton County, 140 S. Ct. 1731 (2020), does not apply to Title IX or Section 1557 of the Affordable Care Act; and (2) ordering relief as to aspects of the Final Rule that plaintiffs do not challenge

I CERTIFY THAT I SERVED THIS CIVIL APPEAL STATEMENT ON THE CLERK OF THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT AND

SERVED A COPY ON EACH PARTY OR THEIR COUNSEL OF RECORD, THIS 18th DAY OF September, 2024.

Ashley C. Honold

NAME OF COUNSEL (Print)

/s Ashley C. Honold

SIGNATURE OF COUNSEL